

REMARKS

Claims 1-23 are pending in this application.

Claims 1-23 are rejected.

The office action dated August 11, 2003 indicates that claim 18 is rejected under 35 USC §112, second paragraph. This rejection has been rendered moot by the amendment above to claim 18.

The office action indicates that claims 1, 12, 18 and 19 are rejected under 35 USC §103(a) as being unpatentable over Chan et al. U.S. Patent No. 6,378,070 in view of Pogue et al. 5,144,667. This rejection is respectfully traversed.

The Chan patent is a '102(e) reference since it was filed before the filing date of the present application and issued after the filing date of the present application. The Chan patent and the present application are assigned to a common assignee, Hewlett-Packard Company. According to MPEP 706.02

Effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102 (e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." This change to 35 U.S.C. 103 (c) applies to all utility, design and plant patent applications filed on or after November 29, 1999.

Since the present application was filed after November 29, 1999, and it and the Chan patent are commonly owned by the Hewlett-Packard Company, the Chan patent is disqualified as prior art against the claimed invention. Therefore,

the '103 rejection of claims 1, 12, 18 and 19 and '103 rejections of their dependent claims should be withdrawn.

Claim 12 has been amended for clarity.

The examiner is respectfully requested to withdraw the rejections of claims 1-23. If any issues remain, the examiner is invited to contact the undersigned to discuss those remaining issues.